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Monitoring Human Rights in Global Supply Chains. Insights and policy recommendations for Civil Society, Global Brands and Academics

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## **Monitoring Human Rights in Global Supply Chains**

*Insights and policy recommendations for civil society, global brands and academics*

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## Executive summary

Global production systems are organised across contractually and geographically distributed supply chains. As a consequence of this model there exists a ‘governance gap’ in global supply chains which results in limited regulatory and contractual oversight of human rights and labour standards in the factories in the lower tiers of production. Despite a surge in instruments and initiatives designed to address supply chain failures the problems persist.

Supply chain monitoring provides the means by which a failure to meet agreed or desired standards or processes can be identified and appropriate action taken. Traditional monitoring models include in-house monitoring of codes of conduct undertaken by corporate brands, third party auditing and multi-stakeholder initiatives.

Numerous problems with traditional monitoring models have been discussed by academics and civil society including inherent conflicts of interest, the partial, ‘snap-shot’ nature of auditing processes, the structural problems inherent in distributed supply chains which place downward pressure on factories who are producing goods and components for global brands, the lack of appropriate monitoring methodologies to protect workers from repercussions if they speak out about poor conditions and the lack of effective mechanisms through which workers can raise grievances and seek remedies.

Our interviews with a small sample of representatives from labour rights and monitoring organisations build upon existing work on the limitations of supply chain monitoring and give indications of ways forward for the development of more effective monitoring models.

Some of the biggest identified obstacles to improving monitoring processes were the structural issues and power imbalances stemming from the relationship of the lead brand to the rest of the supply chain. Factory owners face difficulties in acting on the findings of monitoring activities because of the practical and financial pressures stemming from the demands of the lead brand such as short lead times and costing pressures. A more effective supply chain monitoring process necessarily needs to be framed around the conditions imposed by such sourcing practices and therefore to consider structural changes as well as specific challenges to compliance with human rights and labour standards.

Interviewees referred to a need for monitoring models to go further than establishing *apparently independent* models to ensuring that they are *truly independent* and that they are valuable in being able to bring about real change. In order to guarantee independence, the sometimes blurred boundaries between the monitor and the monitored need to be clear.

To move past the prevailing problems with auditing and monitoring models the presence of the “workers’ voice” was seen as crucial. There was a need for transparency, including for workers throughout the supply chain to be able to know who the other actors in their chain are; a need for monitoring processes to engage with workers in a meaningful way, undertaking worker-sensitive activities including opportunities for individual workers to raise complaints, interviewing workers off-site, working with local, independent organisations who are trusted by workers, and maintaining an ongoing involvement to follow up where correction or remediation; and, a need to incorporate the workers’ voice at a collective level.

## **Introduction**

This policy paper examines the issue of monitoring in global supply chains. The ‘governance gap’ in these supply chains, in which there is limited regulatory and contractual oversight of standards in the lower tiers of production means that it can be difficult to secure the human rights of workers within given supply chains. Despite a surge in instruments and initiatives designed to address supply chain failures the problems persist.

The process of monitoring is a critical means of identifying human rights violations and other failings concerning worker’s health and safety and environment standards and subsequently holding the violator to account or securing remediation for the worker. Despite this the models for supply chain monitoring and auditing have themselves been subject to criticism and there remains a need to develop more satisfactory and effective approaches to monitoring.

As part of the Business, Human Rights and the Environment Research Group (BHRE) Research Programme we have developed work on human rights in global supply chains, including undertaking a series of interviews with key stakeholders who work with supply chain monitors or otherwise directly engage in efforts to secure compliance with labour standards and human rights in global supply chains (see methodology section). This policy paper synthesises the insights gained from our research and those interviews: first the paper focuses on the prevailing models of supply chain monitoring and auditing, combining insights with our interviews with those found in the existing literature to provide an account of why these models have proven problematic. Second the paper focuses on features identified in the course of our interviews that might be necessary in the development of more effective approaches to monitoring. The paper concludes with a series

of recommendations for brands, civil society and academics.

## **Global supply chains and the governance gap**

Global production systems are routinely organised across contractually and geographically distributed supply chains. This organisational model in turn leads to a ‘governance gap’ in which factories along the supply chain manufacture or assemble consumable products or components but are not in a contractual relationship with the company or brand ultimately responsible for that product and nor are they regulated under the jurisdiction of the countries in which these brands are incorporated. Consequently, there may be very little regulatory oversight of the supply chain as a whole and of these geographically and contractually distant factories since neither the lead brand nor the country of incorporation can be relied upon to impose standards for workers’ rights and welfare.

From the 1990s in particular a spotlight was shone on human rights abuses in the factories or places of work within these supply chains. The abuses frequently were identified in the lower tiers of production; in factories located several production stages away from the brand responsible for the goods and from the end-user and often in countries in which regulation is relatively weak with respect to human rights, worker health and safety and environmental protection.

Since the rapid increase in this model of production civil society, business enterprises and governments have been trying to catch-up with changes in the way that companies operate and are regulated to ensure that human rights (as well other social and environmental matters) are respected throughout the supply chain for a given product or company. In this context there has

been a surge in initiatives such as corporate codes of conduct, industry codes of conduct and multi-stakeholder initiatives at domestic, industry and global levels which aim to establish expectations, guidelines or commitments to respecting the rights of workers within global supply chains. While there are some applicable international standards (principally those promulgated by the International Labor Organization (ILO)) these do not address all relevant issues and do themselves rely on adequate implementation and enforcement to be effective.

Against this backdrop, monitoring provides the means by which a failure to meet agreed or desired standards or processes can be identified and appropriate action taken. It is the mechanism through which human rights violations and other failings within the chain are discovered, giving rise to an assumption that action will be taken to remedy the situation (or where appropriate to provide compensation or some other form of remediation). Monitoring activities may be carried out with the aim of enforcing national regulation but are often used to verify compliance with and enforce private, voluntary arrangements such as corporate codes of conduct or industry codes. Effective monitoring is therefore a critical aspect of any effort to protect the rights of workers in global supply chains.

## **Models of supply chain monitoring**

Despite the importance of monitoring as a means to ensure that adequate standards in supply chains are met much work indicates that existing models and initiatives have not led to the necessary changes concerning respect for human rights within global supply chains.

A range of monitoring models exist which we classify here as 'traditional models'. Traditional models may seek to enforce public

or private standards, especially codes of conduct promulgated by multinational corporations [(MNCs) who are often the 'brands'] or by industry or sector specific bodies. Monitoring may be undertaken internally, by the brand corporation itself; or by – or on behalf of - external third parties such as private auditing companies, consultants and NGOs.

Increasingly, traditional models for supply chain monitoring have been criticised. There is an [emerging] consensus that despite an increase in monitoring activity there is little evidence that standards have in fact improved and violations of labour standards, human rights (and environmental problems) continue to be frequently identified and reported on. If existing systems were working well then it should be possible to establish this but that has not been the case.<sup>i</sup> The various traditional models each present important limitations:

**'IN-HOUSE' MONITORING** involves the lead brand setting expectations or standards on its suppliers and making its own arrangements for monitoring them. This model is seen as problematic because both the lead brand and the supplier have a business-interest in hiding violations -- or at least minimising their visibility -- rather than reporting them.<sup>ii</sup> In addition, as with paid-for third party auditing (below), monitoring undertaken by companies or industry associations may be perceived as unreliable:

*We're not going to trust for-profit monitoring organizations that do factory visits, and we're not going to trust industry dominating groups, like WRAP, the Worldwide Responsible Apparel Procurement.... There's too many conflicts of interest. You can't have the industry monitoring itself because, lo and behold, they say everything is fine. They don't catch problems. They don't do the*

*investigations the right way...There's basic standards of how you do this investigation with a worker perspective in mind, that the industry does not have. The industry has a management perspective in mind. They want to help the management pass their audit" (interview 3).*

In our interviews, the potential conflict between company sourcing practices and the ability to carry out effective monitoring was also highlighted. For example,

*"Once an investigation is done, there may be obvious recommendations on how to address it, but inevitably some of those recommendations have to do with changes in the practice of the brand. That can be tricky because brands can see it as a challenge to change the way they do business and remain competitive because the principle driving motivation is to make profit for their shareholders" (interview 2).*

Consequently, structural issues such as sourcing practices including pressure on lead-times may not be incorporated into the monitoring process or may act as a barrier to change even if they are incorporated. Moreover, there can be an internal tension for businesses since effective monitoring mechanisms imply costs to maintain as well as giving rise to further costs where action is required (highlighted in *interview 1* and see further below: *addressing brand influence*)

**'THIRD PARTY' AUDITING** introduces an additional party into the monitoring process, with an external auditing firm or organisation carrying out a compliance audit on behalf of a company, industry group (or, potentially, a public body or other organisation). Third party auditing has become a very widely used model to verify compliance, or identify non-compliance, in a supply chain site or factory.

Although it is perhaps the most prevalent verification model, 'social auditing' of this kind has started to be viewed negatively as a result of several recognised failings. One of the most notorious of these was the successful audit of the Rana Plaza factory in Bangladesh soon before it collapsed killing over one thousand garment factory workers. This incident highlighted one of the most frequently cited failings of social auditing; the 'tick box' and 'snap shot' nature of the process which provides only a limited picture of conditions at a particular factory.

Again there is a perceived conflict of interest when auditors report to the lead brand since they have an interest in maintaining a good relationship with them and keeping their business. Questions are therefore raised about whether these bodies can really be considered independent - concerns which were reiterated in our own interviews. For example

*"when a company relies on buying information about the compliance at the workplace – that means that it is either the brand or the manufacturer is paying an auditing firm to go in and do an audit. And that auditor is required to clock time and have his or her hours paid for and hopefully get the business [of] that company again". (Interview 2)*

Other interviews identified concerns over the growth and management of social auditors as an industry.

In addition to the conflict of interest and demands on auditing firms operating as a business, the practices of auditing firms have also been criticized as inadequate for identifying genuine problems. Factory visits may be too infrequent to provide a realistic evaluation of the situation and the process of auditing can even have detrimental outcomes

for workers; it has been observed that auditing can result in problems simply being shifted further along the supply chain, to the next tier that is outside the reach of the audit.<sup>iii</sup> For those workers who are involved in the audit, inappropriate practices may leave them vulnerable to repercussions from management personnel. These issues again were raised in our interviews, which highlighted for example problems such as interviewing workers onsite and in conditions in which they may fear adverse consequences from speaking honestly. For instance,

*“...They don’t do the investigations the right way. You have to, for instance, interview workers away from the factory at home, with an interpreter and in their native language, not with managers. Basic things like that. You have to have people that have a worker right orientation, and not simply a checklist that they want to get through in three hours. You need to, if possible, tour the factory, without giving managers weeks notices so that they can clean some things up.” (Interview 3)*

**MULTISTAKEHOLDER INITIATIVES:** Criticisms of third party monitoring are not confined to private sector auditing firms but can also extend to multi-stakeholder and other collaborative voluntary initiatives. Such initiatives can vary in their approach and composition; some are completely independent from industry while others are based upon a more collaborative model. The monitoring and verification operations of initiatives such as the Fair Labour Association (FLA), SA8000, and WRAP (Worldwide Responsible Apparel Procurement) have been criticised for their lack of transparency and because they may be viewed as being dominated by business interests - these criticisms were repeated in our interviews.

#### Fair Labour Association

The FLA is a multi-stakeholder initiative; its Board of Directors comprises an independent chair and proportionally equal representation from companies, NGO representatives and University representatives. The work of the FLA is not limited to a single sector. It publishes a Code of Conduct which is to be followed by participating companies and Compliance Benchmarks and the FLA’s Principles of Monitoring provide the framework for compliance and enforcement. The Code of Conduct and Principles of Monitoring are described as ‘statements of principle’.<sup>1</sup> The principles of monitoring provide guidance on how assessments are to be undertaken including by working with local organisations to identify issues and determine appropriate techniques for information gathering and guidance on interviewing workers and management and undertaking visual inspections. The FLA accredits organisations and individual assessors for its External Assessment program and publishes details of those accredited on its website.<sup>1</sup>

*“What we find in [some] models of [multi-stakeholder initiatives] that have inspecting, first of all, it’s not independent, in the sense that there are quality control firms or auditing firms. The billions of dollars in that industry alone, they get all of their money from the people who they’re doing the inspection for, whether it’s the brand at the top or the supplier that’s actually got the workplace that they’re running. These companies... they live off of this phenomenon. I think that that’s a lot of money, and it corrupts what they do, and it’s a growth industry” (interview 4).*

This interviewee also described the inherent tension that is present in multi-stakeholder initiatives, because of the range of positions represented, and the consequent need for appropriate mechanisms which are triggered when that tension cannot be resolved -



### Worker Rights Consortium

The Worker Rights Consortium (WRC) is described as an independent labor rights monitoring organization which aims combat sweatshops and protect the rights of workers who make apparel and other products. The WRC conducts independent investigations of apparel factories and provides assistance to workers in those factories in securing their labour rights. WRC is an affiliate organisation comprised predominantly of university and college affiliates and with a focus on the labor practices of factories that make university-related apparel.

The governance structure comprises representatives of the University Caucus, independent labour rights experts representing the WRC Advisory Council, and representatives of United Students Against Sweatshops. WRC undertakes factory investigations in response to worker complaints as well as “initiates investigations on a proactive basis.”<sup>1</sup>

WRC monitoring activities include conducting interviews with workers in their homes and communities (rather than in the factories where they work), interviews with plant managers, local government labor authorities, relevant labor union officials, local academic and legal experts, and other ‘relevant parties’, visual inspections, where permitted by factory managers, and review of relevant records, documents and supplemental scholarly and/or journalistic materials.

Monitoring investigations seek to assess compliance with applicable codes of conduct - a model code is made available to affiliates by WRC. When violations are identified recommendations are made for remedial action to factory management. Reports are published on the WRC website. WRC “works with U.S. apparel companies who are procuring goods from the factory in question to encourage the implementation of these recommendations”. Where companies are not active in taking remedial steps WRC reports the fact to its affiliates.

something which was considered to be missing from most existing initiatives:

*“If you have a real multi-stakeholder initiative, you have to have some tension there, because people don't have all the same positions and interests. If you don't have that tension, then you probably don't have a real multi-stakeholder initiative. If you have a real one, there's going to eventually be an incident, an issue, an event, in which the internal workings of the MSI can't get to a solution. At that point, you have to have an exit. What SAI and FLA do not have, and none of the ones that I'm talking about here, they don't have a place where you say, “We couldn't reconcile this issue with our internal structures of meetings and grievances, and whatever structures we've set up, so we're going to go to binding arbitration outside of this MSI”” (interview 4).*

The Bangladesh Accord (see box) and Indonesia Protocol on Freedom of Association were cited as examples of better practice which do include such an ‘exit’.

**INDEPENDENT MONITORING:** In light of the criticisms of the models above, there may be increased interest in ‘independent’ monitoring processes which seek to avoid both the conflicts of interest and potentially detrimental and limited verification processes that have been the subject of criticism. In these initiatives the lead brands or other private sector interests are not represented in the governance or operational structures of the initiatives. Such independent organisations may be seen as “more accountable and trustworthy” (*interview 4*) - contrasting with company and industry initiatives that are seen to involve conflicts of interest. One of the most widely recognised and positively viewed examples of independent monitoring is that of the Worker Rights Consortium (WRC). The recently launched Electronics Watch initiative is also based upon a similar approach to independent monitoring.

Independent processes are not however immune to criticism, for example there can be concerns that NGOs will be 'co-opted' by corporations or about the quality of auditing.<sup>iv</sup> A further limitation identified (*interview 3*) concerns funding: independent organisations such as those seeking to incorporate monitoring as part of an initiative to raise supply chain standards, may lack the necessary funding to carry out monitoring activities, even where this is viewed as a potentially important aspect of their work. There may be a tension between the need for adequate funding to undertake investigations and the ability and willingness of members or affiliates to pay fees.

## Towards effective supply chain monitoring

Whilst a consistent view is emerging of the limitations of existing models, perspectives on how these limitations can be overcome and on options for new models of monitoring are less developed in the relevant literature and reports. In the interviews discussed in this paper certain factors and themes can be identified which add to this discussion and which are not yet as well documented:

### Addressing brand-influence

Taking a top-down approach, some of the biggest identified obstacles to improving monitoring processes remain the *structural issues and power imbalances* stemming from the relationship of the lead brand to the rest of the supply chain. Whilst these have been implicated in existing work as causal factors in human rights failings, the present interviews identify them also as barriers to effective monitoring. Interviewees noted that factory owners faced difficulties in acting on the findings of monitoring activities because of the practical and financial pressures stemming from the demands of the lead

### Bangladesh Accord on Fire and Building Safety in Bangladesh

The Bangladesh Accord was signed on May 15th 2013. It is described as a legally binding, independent agreement between global brands and retailers and trade unions. The governance structure includes equal weighting between brands and union representatives as well 'witness signatories' from the Clean Clothes Campaign and the WRC and an Independent Director. Disputes are to be decided by majority vote with appeals subject to binding arbitration.

The work programme of the Accord includes inspections and remediation. Inspections are undertaken by qualified safety engineers with factories inspected against the Accord building standards. Provisions of the Accord establish requirements for the independence of inspectors. Reports are shared with factory owners, signatory companies and union representatives. The factory owner and company are subsequently to develop a Corrective Action Plan, detailing remedial steps to be taken. The Accord aims to protect workers for example by requiring that employees continue to be paid in the event that a factory is temporarily closed for the purpose of remediation work. Further the Accord aims to induce brands to negotiate commercial terms with their factories which mean that it is financially feasible to operate safe workplaces and engage in remediation when required. The Accord incorporates steps for transparency, publishing the inspection reports on its website.

The Accord requires that suppliers designate factories producing on their behalf as Tier 1, Tier 2, or tier 3 depending on their contribution, by volume, to the company's annual production in Bangladesh. Inspection demands decrease down the supply chain. The Accord incorporates steps for transparency including publishing inspection reports on its website and requiring companies to disclose their supply chain including sub-contractors.

brand such as short lead times and costing pressures (*interview 1, interview 2, interview 4*). Such pressures can leave little scope to act on the findings of monitoring or auditing reports. Even where commitments to monitoring are made by the brands, acting on the findings of monitoring processes requires a commitment to change practices which also has financial implications and this investment may not be forthcoming (*interview 1*). Similarly, while the corporate responsibility division of a company may commit to change, other aspects of the company, such as purchasing divisions or obligations owed to shareholders (*interview 2*) act against this interest. The corollary to this was the emphasis by interviewees that it is within the power of the lead brands to change expectations (or demands) so that failings are acted upon. Consequently, to be effective monitoring efforts cannot operate completely in isolation and without reference to the context in which production takes place. Monitoring processes may identify specific failings or problems - or confirm compliance - but they usually do not link these into the broader framework of the sourcing practices which can lead to non-compliance or poor working conditions. A more effective supply chain monitoring process necessarily needs to be framed around the conditions imposed by such sourcing practices and therefore to consider structural changes as well as specific challenges to compliance with human rights and labour standards. An ancillary point, emphasised in some interviews, was the need to make effective use of existing laws in the country in which the brand is incorporated since in some case there are opportunities to address supply chain conditions but the legislation is little known or rarely utilised (separately from the problems of lack of enforcement in the countries of operation) (*interviews 2, 5*).

## Seeking independence and securing change

Given the context of brand-led influence and downward production pressures in tandem with the limitations in traditional monitoring models discussed above, interviewees referred to a need for monitoring models to go further than establishing *apparently independent* models to ensuring that they are *truly independent* and that they are valuable in being able to bring about real change. Whilst it is acknowledged that private social auditing on the whole is not well-placed to achieve change our interviews also raise concerns about whether change can be achieved given the wider environment and the range of stakeholders involved in supply chain monitoring.

In order to guarantee independence, the boundaries between the monitor and the monitored need to be clear. The blurred boundaries which exist in this sector are an important barrier. In one interview (*interview 1*) there were strong concerns that in the “growth industry” of monitoring and auditing, organisations were being established which were not truly independent or indeed separate from the suppliers or brands they worked with, although they purported to be. Similarly, *interview 3* raised concerns about the move from non-profit to for-profit for organisations involved in supply chain inspections.<sup>v</sup> Such concerns sit alongside those related to the conflicts of interest that can be perceived where businesses are represented in the governance structures of monitoring bodies; (*interviews 2, 3, 4*).

Leverage and the capacity to influence change are too essential instruments in seeking a more effective monitoring process. *Interview 1* noted that many small independent monitoring organisations have been established (for example in China) but it was questionable whether they had any real capacity (for instance, taking into account

their size, resources and methods) to influence the brands or companies. If this is the case then there may be wasted resources on the one hand, in engaging with such organisations or, on the other hand, their engagement could again feed into perceptions of monitoring as a corporate PR tool. In a similar respect, *interview 3* noted that independent organisations seeking to promote responsible purchasing and which incorporate monitoring mechanisms may in reality have limited capacity and there is therefore a need for a critical mass [through membership/affiliation fees] to make activities viable.

### **Incorporating workers' voices**

More specifically, to move past the prevailing problems with auditing and monitoring models the presence of the “workers’ voice” in various regards was seen as crucial; this was noted by *interviewee 2* as the “biggest missing piece” of the puzzle. The need for workers to play a role in fulfilling rights and [addressing] violations was seen here as a way to counter-balance the conflict of interest seen in other approaches to monitoring. *Interview 3* commented on the need for workers to be represented in the governance structures of organisations involved in supply chain monitoring and in *interview 3 and 4* WRC was cited again as an example of best practice on the basis, since it includes workers but does not include corporations in its governance structure and because its inspections are independent and follow a worker sensitive approach (see box). *Interviews 2, 3 and 4* noted the need for opportunities for grievances or disputes to be dealt with in a way which incorporated workers voices and interests.<sup>vi</sup> *Interview 4* considered that grievance mechanisms must be worker-driven and *Interview 2* also noted that effective models, since they would include different interests, would sometimes result in tensions and that there would

therefore be a need to refer disputes to some form of binding arbitration. *Interviewees 3 and 4* referred in positive terms to the development of the Bangladesh Accord as model in which this type of mechanism was incorporated.

Transparency in supply chains is a key element to identifying human rights violations and devising processes to address them. It was also noted in our interviews, including in the need for workers throughout the supply chain to be able to know who the other actors in their chain are, including the brand(s) for whom they ultimately work (*interview 2*). Similarly, there was an identified need for transparency to extend further than the first tier of production (*interview 3*). As well as the need for means of dealing with disputes at this level, interviewees discussed the need for monitoring processes to engage with workers in a meaningful way. One way of achieving this was through undertaking worker-sensitive activities; again WRC was seen by interviewees as the ‘gold standard’ here because of its approach to engaging with workers directly (rather than acting on the basis of management information, for instance, or simple auditing snapshots). This approach includes opportunities for workers to raise complaints, interviewing workers off-site, working with local, independent organisations who are trusted by workers, and maintaining an ongoing involvement to follow up where correction or remediation is needed.

Focusing on the collective capacity of workers, the ability of workers to organise and the role of freedom of association was repeatedly identified as a prerequisite for effective monitoring, given the need to access workers and gain a ‘true’ picture of conditions in a given workplace (*interviews 1, 2, 3, 4*).

Building on these shortcomings and opportunities is the first step to developing a next generation of monitoring processes and

methodology. One that not only has workers at its core but that allows for them to drive it in order to address their own needs in the context of production.

## **Recommendations**

### Brands:

- Participate in monitoring processes which are verifiably independent
- Commit to acting on the findings of monitoring processes (regardless of which process are being followed)
- Work with factory owners and suppliers to ensure that sourcing demands do not compromise the ability of factories to act on findings of monitoring activities

### NGOs and civil society:

- Participate in and advocate for monitoring models which incorporate workers' voices including in their governance structures
- Highlight failings in existing monitoring models and examples of good practice
- Work to empower workers to develop and drive forward their own oversight and participation mechanisms

### Researchers and academics:

- Undertake further research to understand better how the highlighted issues, including structural and power issues, true independence and capacity for change and workers' voice(s) can be incorporated into new and more effective monitoring approaches.

## Methodology

This policy paper is part of the wider project on Worker-driven monitoring, part of the BHRE Human Rights in Global Supply Chains Research Programme.

The research summarised in this paper is based on fieldwork undertaken in 2015 by Dr Opi Outhwaite on responsible public procurement and supply chain monitoring and reform. The work was undertaken in the USA where the stakeholders identified were based. Since this phase of work formed part of a larger, ongoing, project the interviewees were purposefully sampled to target an expert population based on their identified relevance to the research questions. Five interviews were carried out for this phase of work, all involving structured interviews. All interviewees were representatives of NGOs, associations, or other institutions which worked on issues of supply chain monitoring and labour rights but not all carried out monitoring themselves. As well as addressing specific research questions this phase of fieldwork presented an opportunity to identify 'gatekeepers' who would inform the next phase of research.

Since participants were selected on the basis of their relevance to the area of study there are inherent limitations with respect to the particular perspectives represented. There are a relatively small number of relevant organisations in this area which means some degree of 'cross-fertilisation' of experts occurs between organisations. Given that all of the sampled organisations are involved with labour rights in some capacity, this inevitably colours the perspectives presented. These perspectives were actively sought for the purpose of the work presented in this policy paper but this overall limitation on perspective should be borne in mind by the reader.

## About the authors

**Dr. Opi Outhwaite** is Senior Lecturer in Law at the School of Law, University of Greenwich. Her research focuses on governance, health and the environment including accountability of multinational corporations and public and private governance and regulation.



Opi has published widely in her research areas as well as undertaking numerous outreach and dissemination activities. She has a track record of research and consultancy for governmental and non- governmental bodies including as a member of the Electronics Watch Advisory Group and for the UK Department for Environment, Food and Rural Affairs (Defra) and equivalent bodies in Tanzania and Belize.

Opi is Managing Editor of the IUCN Academy of Environmental Law journal and participates in several networks for international environmental law and business and human rights. She is a member of the Steering Committee of the [International Learning Lab on Procurement and Human Rights](#).



**Dr. Olga Martin-Ortega** is Reader in Public International Law at the School of Law, University of Greenwich (UK) and leads the BHRE. She has been researching business and human rights for over fifteen years. She has also undertaken extensive research in the areas of post-conflict reconstruction, transitional justice and international criminal law.



Dr. Martin-Ortega at the LUPC/SUPC Annual Conference, June 2016. Photo credits: Philip Hollis©

Olga is a member of the Board of Trustees of [Electronics Watch](#) and a member of the Board of Directors of the [London Universities Purchasing Consortium](#). She is also a member of the Steering Committee of the [International Learning Lab on Procurement and Human Rights](#) and, together with Opi, leads its [Electronics Hub](#). Olga is a founding member of several international networks on this topic, including the [European Society of International Law Interest Group on Business and Human Rights](#) and the [Business, Conflict and Human Rights Network](#).

Olga conducts training for public authorities on their legal obligations under the UK Modern Slavery Act and performing human rights due diligence on their supply chain in the framework of the [Higher Education Procurement Academy](#) (HEPA).

## About the Business, Human Rights and the Environment Research Group (BHRE)

The BHRE brings together the expertise and research interests of several leading academics in the field of business and human rights, international environmental law and international criminal law.

The BHRE develops high quality, policy relevant research in a number of research areas, including: corporate human rights due diligence; modern slavery, human trafficking and human rights in the global supply chain; socially responsible and sustainable public procurement; the extractive industries and conflict minerals; and environmental and health governance. The Human Rights in Global Supply Chains Research programme focuses on several aspects of the supply chain and the impact of corporate activities on human rights. It aims to define and assess ways in which human rights due diligence, legal compliance, non-financial reporting and accountability is and can be developed.

The BHRE leads the [Electronics Hub](#) of the [International Learning Lab on Procurement and Human Rights](#).



Participants to the Electronics Watch Affiliates Meeting and Greenwich Symposium on Responsible Public Procurement, December 2016.

The BHRE also provides training and capacity building to public bodies and corporations as well as other consultancy services.



## Other BHRE publications

### Policy Papers

Martin-Ortega, O. (2016), 'Modern Slavery and Human Rights in Global Supply Chains: Roles and Responsibilities of Public Buyers. Policy and practice insights for Higher Education Institutions in the framework of their obligations under the UK Modern Slavery Act'. *BHRE Research Series. Policy Paper n.2*.

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<sup>i</sup> Locke, Richard; Kochan, Thomas; Qin, Fei, (2007), Beyond corporate codes of conduct: Work organization and labour standards at Nike's suppliers, *International Labour Review*, Vol. 146, No. 1–2; Locke, Richard; Ben A. Rissing and Timea Pal, (2013) Complements or Substitutes? Private Codes, State Regulation and the Enforcement of Labour Standards in Global Supply Chains, *British Journal of Industrial Relations*, 51:3 September pp. 519–552; Pruett, Duncan (2005), Looking for a quick fix: How weak social auditing is keeping workers in sweatshops, Amsterdam: Clean Clothes Campaign.

<sup>ii</sup> Locke, Richard; Kochan, Thomas; Qin, Fei, (2007), Beyond corporate codes of conduct: Work organization and labour standards at Nike's suppliers, *International Labour Review*, Vol. 146, No. 1–2

<sup>iii</sup> O'Rourke, Dara (2003), Outsourcing Regulation: Analyzing Nongovernmental Systems of Labor Standards and Monitoring, *The Policy Studies Journal*, Vol. 31, No. 1, 2003

<sup>iv</sup> O'Rourke, Dara (2003), Outsourcing Regulation: Analyzing Nongovernmental Systems of Labor Standards and Monitoring, *The Policy Studies Journal*, Vol. 31, No. 1, 2003

<sup>v</sup> And see LeBaron and Lister on the use of private auditors by NGOs and the partnering of NGOs and brands, in each case to verify compliance with voluntary standards endorsed by the NGO: LeBaron, Genevieve and Lister, Jane (2016) Ethical audits and the supply chains of global corporations, Sheffield Political Economy research institute, Briefing paper 1, January 2016

<sup>vi</sup> And see elsewhere Applebaum et al, (2000) Fighting Sweatshops: Problems of Enforcing Global Labor Standards, ISBER Publications [unpublished]